

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

DIEGO PAVIA,

Plaintiff,

v.

**NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,**

Defendant.

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Case No. 3:24-cv-01336

Judge William L. Campbell, Jr.

**MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.01, Plaintiff Diego Pavia files this Motion for Temporary Restraining Order and Preliminary Injunction to enjoin the National Collegiate Athletic Association (“NCAA”), from enforcing NCAA Bylaws 12.8 (the “Five-Year Rule”), 12.02.6 (the “Intercollegiate Competition Rule”), and 14.3.3 (the “Three Year Limitation”), (collectively referred herein as the “JUCO Limitation Bylaws”), against Diego Pavia to prevent him from playing college football in the 2025-26 season based on his attendance at junior college during the 2020 and 2021 football seasons. Absent such provisional relief, Pavia will suffer immediate and irreparable harm as supported by the contemporaneously filed Declarations of Diego Pavia, Vanderbilt football coach, Clark Lea, and Paul Grindstaff, and Pavia’s Memorandum of Law in support of the Motion. Plaintiffs respectfully request that this Court enter an order enjoining Defendant from enforcing the JUCO Limitation Bylaws against Pavia pending entry by the Court of a final judgment in this action.

Furthermore, for temporary and preliminary injunctive relief against the JUCO Limitation Bylaws to be effective, Pavia also respectfully requests that the Court enjoin the NCAA from

enforcing Bylaw 12.11.4.2. This bylaw allows Defendant to punish its member institutions when a college athlete who is ineligible for competition participates in games pursuant to a court order allowing the college athlete's participation if the court order is later vacated, reversed, or otherwise invalidated. Thus, Plaintiffs further request that this Court enjoin Defendant from retaliating and/or implementing NCAA Bylaw 12.11.4.2 against Pavia or any NCAA member institutions for conduct allowed by any temporary or preliminary injunctive relief that this Court may issue.

In support of this Motion, Pavia relies upon and files contemporaneously with his Motion a Memorandum of Law in Support and supporting Declarations.¹

Respectfully submitted,

/s/ Salvador M. Hernandez

Ryan Downton (*Pro Hac* Pending)

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¹ Pavia may support his motion with declarations rather than affidavits pursuant to 28 U.S.C. § 1746.

ATTORNEY CERTIFICATION OF NOTICE PURSUANT TO RULE 65(b)(1)

The undersigned certifies that counsel provided notice of the Motion for temporary restraining order, including a copy of the Complaint and the Memorandum of Law in Support to Jared Tidemann, the NCAA Director of Legal Affairs and Senior Counsel of Government Relations and Sports Administration via email at 10:20 a.m. today, November 8, 2024. At 11:30 a.m. today, November 8, 2024, Mr. Tidemann confirmed receipt of the Motion, Complaint and Memorandum of Law in Support. The undersigned further certifies that counsel for Pavia, Ryan Downton, has been discussing this matter and the immediate and irreparable harm to Pavia with Mr. Tidemann since October 30, 2024, but the Parties have been unable to agree on a resolution satisfactory to all parties.

Pursuant to Rule 65(b)(1), the undersigned counsel certifies that no further notice should be required because Pavia will continue to suffer immediate and irreparable injury before the NCAA can be heard in opposition, which injury Pavia has shown and supported through specific facts verified by filed Declarations.

/s/ Salvador M. Hernandez
Salvador M. Hernandez

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon the following person(s) via e-mail prior to filing on the ECF system and U.S. Mail on the 8th day of November 2024:

Jared Tidemann
Director of Legal Affairs
Senior Counsel of Government Relations & Sports Administration
National Collegiate Athletic Association
PO Box 6222
Indianapolis, IN 46206-6222
jtidemann@ncaa.org

/s/ Salvador M. Hernandez
Salvador M. Hernandez